

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

INSURANCE COMPANY OF THE WEST

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:06cv57-KS-MTP

**INDUSTRIAL TANK & TOWER, LLC;
RUSSELL HOLIFIELD; DEBORAH HOLIFIELD;
GEORGE CALLOWAY, AND CAROLYN CALLOWAY**

DEFENDANTS

DEFAULT JUDGMENT

This matter is before the court on Motion for Entry of Judgment by Default [#11] filed on behalf of the plaintiff, Insurance Company of the West, moving the court to enter Default Judgment against the defendants, Industrial Tank & Tower, LLC, Russell Holifield, Deborah Holifield, George Calloway and Carolyn Calloway, jointly and severally, for their failure to answer or otherwise defend within the time required by law.

The plaintiff issued a performance bond on behalf of the defendants guaranteeing their performance under certain contracts. After the defendants failed to fully perform under the contracts, the plaintiff had to pay certain sums arising from the defendants' default as well as legal costs and expenses. A review of the record reveals that all defendants were properly served and have failed to appear or otherwise defend.

The court finds that a proper Docket Entry of Default was entered by the Clerk of the United States District Court on July 10, 2006, as to all of the defendants. An Affidavit attesting to the plaintiff's damages in the amount of \$433,025.48 is attached as Exhibit "B" to the motion. The affidavit sets forth that payment was made on behalf of

the defendants for failure to perform under the bonded contracts and that the plaintiff incurred costs, expenses and legal fees as a result of defendants' default.

IT IS THEREFORE ORDERED AND ADJUDGED that Insurance Company of the West is awarded judgment against Industrial Tank & Tower, LLC, Russell Holifield, Deborah Holifield, George Calloway and Carolyn Calloway, jointly and severally, in the sum of \$433,025.48 plus post-judgment interest at the rate of 5.25% until fully paid and all costs of court.

SO ORDERED AND ADJUDGED this the 14th day of August, 2006.

s/ *Keith Starrett*
UNITED STATES DISTRICT JUDGE